

Independent Claims 1, 12 and 18 each recite that the pixel portion comprises at least one p-channel TFT. The Examiner admits that Suzawa does not disclose that the TFT of the pixel portion is a P-channel TFT. The Examiner, however, contends that it would have been obvious to one of ordinary skill in the art to replace the NTFT by the PTFT because the NTFT and PTFT can be interchanged. No support is given for this statement.

This appears to be a clear example of hindsight reconstruction. It is well established law, from the Court of Appeals of the Federal Circuit, that there must be some teaching, suggestion or motivation in order to modify a reference to arrive at the claimed invention. See e.g. MPEP §2143. Since no such teaching, suggestion, or motivation is present in the present office action, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the rejection herein is improper and should be withdrawn.

Information Disclosure Statement

Applicants are including herewith a IDS. It is requested that this IDS be entered and considered prior to the issuance of a further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: April 2, 2004


Mark J. Murphy
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMING & MEHLER, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500